

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

MAY 04 2016

BY  
DEPUTY \_\_\_\_\_

UNITED STATES OF AMERICA

v.

DONALD ROY KELLY (1)  
DARWIN DEON BARLOW (2)  
and  
DONALD RAY TURK (3)

§  
§  
§  
§  
§  
§  
§

NO. 1:16-CR- 46  
(Judge Marcia Crone)

Mag Judge Giblin

**INDICTMENT**

THE UNITED STATES GRAND JURY CHARGES:

**Count One**

Violation: 18 U.S.C. § 1791(a)(1)  
(Providing a prison inmate with a  
prohibited object)

That between on or about, December 1, 2014 and on or about January 3, 2015, the exact date remaining unknown to the Grand Jury, in the Eastern District of Texas, **Donald Roy Kelly and Darwin Deon Barlow**, defendants, did, in violation of a statute, or a rule or order issued under a statute, knowingly provide or attempt to provide to an inmate of a federal contract detention facility, a prohibited object, that is, a cellular telephone, namely, one LG Mobile cell phone, black in color, bearing serial number 403CYJZ492764.

In violation of 18 U.S.C. § 1791(a)(1) and 18 U.S.C. § 2.

**Count Two**

Violation: 18 U.S.C. § 201(b)(2)  
(Bribery of a public official)

Between on or about December 1, 2014 and on or about January 3, 2015, in the Eastern District of Texas **Donald Roy Kelly**, defendant, a public official, acting for or on behalf of the United States or any department, agency, or branch of government thereof, in any official function, under or by authority of any such department agency or branch, directly and indirectly did corruptly demand, seek and agree to receive and accept something of value, that is United States currency, from Juan Saenz-Tamez, in return for being induced to do or omit to do any act in violation of the official duty of such official or person, specifically to allow the introduction of and to introduce a prohibited object into a federal contract detention facility in violation of his official duty, that is, to provide Juan Saenz-Tamez, an inmate in the LaSalle federal contract detention facility, a prohibited object specifically, one LG Mobile cell phone, black in color, bearing serial number 403CYJZ492764.

In violation of 18 U.S.C. 201(b)(2)

**Count Three**

Violation: 18 U.S.C. § 1001  
(False statement to federal agents)

That on or about May 13, 2015, in the Eastern District of Texas, in a matter within the jurisdiction of the executive branch of the government of the United States, to-wit: the Federal Bureau of Investigation, **Darwin Deon Barlow**, defendant herein, did

knowingly and willfully make a materially false, fictitious, and fraudulent statement to the Federal Bureau of Investigation, knowing the same to contain materially false, fictitious, and fraudulent statements, in that the defendant stated that: (a) an LG Mobile cell phone, black in color, bearing serial number 403CYJZ492764 was stolen from his car; (b) he purchased an LG Mobile cell phone, black in color, bearing serial number 403CYJZ492764: at the request of an unknown Hispanic male and (c) he purchased an LG Mobile cell phone, black in color, bearing serial number 403CYJZ492764 for use by Donald Roy Kelly's girlfriend, knowing those statements were false.

In violation of 18 U.S.C. § 1001.

**Count Four**

Violation: 18 U.S.C. § 1001  
(False statement to federal agent)

That on or about June 8, 2015, in the Eastern District of Texas, in a matter within the jurisdiction of the Executive Branch of the Government of the United States, to-wit: the Federal Bureau of Investigation, **Donald Roy Kelly**, defendant herein, did knowingly and willfully make a materially false, fictitious, and fraudulent statement to the Federal Bureau of Investigation, knowing the same to contain materially false, fictitious, and fraudulent statements, in that the defendant stated: (a) he did not provide an LG Mobile cell phone, black in color, bearing serial number 403CYJZ492764 to Juan Saenz-Tamez an inmate in the LaSalle federal contract detention facility; (b) he never asked Darwin Deon Barlow to purchase an LG Mobile cell phone, black in color, bearing serial number 403CYJZ492764 on his behalf and (c) he never asked Juan Saenz-Tamez

for money in payment for providing an LG Mobile cell phone, black in color, bearing serial number 403CYJZ492764, knowing those statements were false.

In violation of 18 U.S.C. § 1001.

**Count Five**

Violation of 18 U.S.C. § 4  
Misprision of a felony

That between on or about December 1, 2014 and on or about, January 3, 2015, in the Eastern District of Texas and elsewhere, **Donald Ray Turk**, defendant, while having knowledge of the actual commission of a felony recognizable by a court of the United States, namely, bribery of a public official, and the defendant did knowingly conceal and did not as soon as possible make known the same to some judge or other person in civil authority under the United States.

In violation of 18 U.S.C. § 4.

A TRUE BILL

  
\_\_\_\_\_  
GRAND JURY FOREPERSON

JOHN M. BALES  
UNITED STATES ATTORNEY

  
\_\_\_\_\_  
JOHN A. CRAFT  
ASSISTANT UNITED STATES ATTORNEY

5 / 4 / 16  
\_\_\_\_\_  
Date

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FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

UNITED STATES OF AMERICA	§	
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v.	§	NO. 1:16-CR-
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DONALD ROY KELLY (1)	§	
DARWIN DEON BARLOW (2)	§	
and	§	
DONALD RAY TURK (3)	§	

**NOTICE OF PENALTY**

**Count One**

Violation: 18 U.S.C. §1791(a)(1) (Providing a prison inmate with a prohibited object)

Penalty: Imprisonment for not more than one (1) year, a fine not to exceed \$100,000.00, or both. A term of supervised release of not more than one (1) year;

Special Assessment: \$100.00

**Count Two**

Violation: 18 U.S.C. § 201(b)(2) (Bribery of a public official)

Penalty: Imprisonment for not more than five (5) years, a fine not to exceed \$250,000.00, or both. A term of supervised release of not more than three (3) years.

Special Assessment: \$100.00

**Count Three and Count Four**

Violation: 18 U.S.C. 1001 (False statement to a federal agent)  
Imprisonment for not more than five (5) years, a fine not to exceed \$250,000.00, or both. A term of supervised release of not more than three (3) years.

**Count Five**

Violation: 18 U.S.C. § 4 (Misprision of a felony)

Penalty: Imprisonment for not more than three (3) years, a fine not to exceed \$250,000.00, or both. A term of supervised release of not more than one (1) year.

Special Assessment: \$100.00.